

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

**IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO:**

**Mr. Gordon Lindley
Lindley Construction
Box 2217
Evanston, WY 82930-2217**

DOCKET NO. 4681-10

NOTICE

NOTICE IS HEREBY GIVEN THAT:

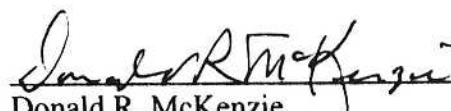
1. Notice of Violation is being sent to you pursuant to W.S. §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On October 7, 2009 and April 22, 2010, inspections of disturbances resulting from an unpermitted gravel mining operation were conducted by John Erickson of the Land Quality Division's District II office. The mining disturbances are located in the SW¼NW¼ of Section 12, T.12N., R.120W. on private lands located approximately 21 miles southeast of Evanston, Wyoming in Uinta County.
3. During the April 22, 2010 inspection, a representative of the landowner stated that the mining operation had been conducted by Lindley Construction of Evanston Wyoming. On April 23, 2010, Mr. Erickson contacted Mr. Gordon Lindley of Lindley Construction by telephone. Mr. Lindley confirmed that he had removed and processed 6000 tons of gravel from the site. Mr. Lindley was informed that the affected area was within Limited Mining Operation Notification No. 1357ET, issued to HK Contractors, Inc. of Idaho Falls, Idaho on June 5, 2006.
4. Failure of Lindley Construction to notify the Land Quality Division of the location of the land to be mined and to provide written permission from the landowner before commencing operations is a violation of W.S. §35-11-401(vi).
5. Failure of Lindsey Construction to post a bond to ensure reclamation before commencing mining operations is a violation of W.S. §35-11-401(vii).
6. The violations have not been corrected or remedied.
7. W.S. § 35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

Nothing in this Notice of Violation (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED THIS 7 **day of** May, **2010**



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mr. Mark Moxley, District II Supervisor, Land Quality Division, 510 Meadowview Dr., Lander WY 82520

xc: Mark Moxley, Lander LQD